

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

CR-16-48-GF-BMM

Plaintiff,

vs.

JOHN MARVIN OLD CHIEF,

ORDER

Defendant.

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on March 30, 2022. (Doc. 101.)

When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Bad Old Man v. Arn*, 474 U.S. 140, 153-52 (1986). This Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on March 29, 2022. (Doc. 96.) The United States accused Old Chief of violating his conditions of supervised release 1) by failing to serve his 2-month term at a secure inpatient drug treatment facility; and 2) by failing to report to the probation office in Browning, Montana as directed. (Doc. 93.)

At the revocation hearing, Old Chief admitted that he had violated the conditions of his supervised release 1) by failing to serve his 2-month term at a secure inpatient drug treatment facility; and 2) by failing to report to the probation office in Browning, Montana as directed. (Doc. 96.) Judge Johnston found that the violations Old Chief admitted proved to be serious and warranted revocation, and recommended that Old Chief receive a custodial sentence of 12 months, with no supervised release to follow. (Doc. 101.) Old Chief was advised of his right to appeal and his right to allocute before the undersigned. (Doc. 96.) The Court finds no clear error in Judge Johnston's Findings and Recommendations.

Accordingly, **IT IS ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 101) are **ADOPTED IN FULL. IT IS FURTHER ORDERED** that Defendant John Marvin Old Chief be sentenced to the Bureau of Prisons for 12 months, with no supervised release to follow. This sentence should run concurrent with the sentence imposed in CR-16-48-GF-BMM

DATED this 14th day of April, 2022.



Brian Morris, Chief District Judge
United States District Court